

**MINUTES
FREMONT CITY COUNCIL REGULAR MEETING
JUNE 8, 2010
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Councilmember Natarajan led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman,
Councilmembers: Natarajan, Harrison, and Chan

Absent: Vice Mayor Wieckowski

1.4 Announcements by Mayor/City Manager – None.

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	Vice Mayor Wieckowski
Abstain:	None

- * **2.2 Approval of Minutes** – None.

- * **2.3 Mayor Wasserman opened consideration of Approval of Plans and Specifications and Award of Contract to the Lowest Responsible Bidder for the City of Fremont 2010 Cape Seal Project, City Project No. 8195-C (PWC).**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council:

1. Approved the plans and specifications for the 2010 Cape Seal Project, 8195-C (PWC).
2. Accepted the bid and awarded the construction contract for the 2010 Cape Seal Project, 8195-C (PWC) including alternate bid items No. 1, No. 2, and No. 3, to the lowest responsible bidder, Graham Contractors, Inc., in the amount of \$1,170,063.85 and authorized the City Manager or designee to execute the contract.

Ayes: Mayor Wasserman,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: Vice Mayor Wieckowski
Abstain: None

*** 2.4 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Set Fremont Jail Booking Fees Effective July 1, 2010 and Establish a Pro-Rated Partial Booking Fee Retroactive to March 1, 2010. Continuation of Public Hearing (Published Notice) to Consider Proposed Jail Fees to Neighboring Agencies**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council adopted Resolution No. 2010-36 approving the Pro-rated Partial Jail Booking Fee at the Fremont Detention Facility to be \$8.37 retroactive to March 1, 2010, and the Access Fee (Full) to be \$254.90, and the Access Fee (Partial) to be \$180.80, and the Pro-rated (Full) Jail Booking Fee to be \$12.50, and the Pro-rated (Partial) Jail Booking Fee to continue to be \$8.37, effective July 1, 2010, and for these fees to adjust and equal the booking fees charged at the Santa Rita County Jail should they change during Fiscal Year 2010/11, and for neighboring cities to be invoiced for services accordingly.

Ayes: Mayor Wasserman,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: Vice Mayor Wieckowski
Abstain: None

*** 2.5 Mayor Wasserman opened consideration to Authorize the City Manager to Execute Five-Year Lease Agreements with Alameda County for a Total of 16,277 Square Feet of Office and Common Area Space Located at the Family Resource Center; Accept and Appropriate \$114,174 from Alameda County to 108PWC8729; and Appropriate an Additional \$40,362 from the FRC Capital Reserve to 108PWC8729**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council authorized the City Manager or his designee to execute two five-year lease agreements with Alameda County, each with five one-year mutual extension options, for a total of 16,277 square feet of office and common area space located at the Family Resource Center; accepted and appropriated \$114,174 from Alameda County to 108PWC8729; and appropriated \$40,362 from the FRC capital reserve to 108PWC8729.

Ayes: Mayor Wasserman,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: Vice Mayor Wieckowski
Abstain: None

*** 2.6 Mayor Wasserman opened consideration of a Public Hearing (Published and Posted Notice) To Conduct A Public Hearing on the Levy of Annual Assessments for Landscaping Assessment District 88; Adoption of a Resolution Confirming Diagrams and Assessments for District 88 for Fiscal Year 2010/11**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council:

1. Opened public hearing.
2. Considered all oral statements and written protests.
3. Closed public hearing.
4. Levied the proposed assessment by adopting Resolution No. 2010-37 confirming Diagrams and Assessments for Fiscal Year 2010/11 for Fremont Landscaping Assessment District 88 Zones 1-17, 19-21 and 23-47 (Exhibit B).

Ayes: Mayor Wasserman,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: Vice Mayor Wieckowski
Abstain: None

*** 2.7 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider a Planning Commission Recommendation to Rezone the Property from Planned District P-2005-73(CSPC) to Multi-Family Residence R-3-15(CSPC) and Approve an Amendment to Conditional Use Permit PLN2009-00217 to Allow a 1,382 Square Foot addition to an Existing Preschool and Daycare Facility, and Repeal the Previously Approved Tentative Tract Map 7880 and Finding for Site Plan and Architectural Approval for the Property [PLN2007-00169] (PLN2010-00193)**

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council:

1. Held public hearing;
2. Found that the project is categorically exempt from the California Environmental Quality Act per Guideline 15301, Minor Alterations to Existing Structures;
3. Waived full reading and introduced an ordinance rezoning the site from Planned District P-2005-73(CSPC) to Multi-Family Residence R-3-15(CSPC), as shown on PLN2010-00193 Exhibit "C";
4. Found that the proposed amendment to Conditional Use Permit PLN2009-00217 is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the Land Use Chapter of the General Plan as enumerated within the staff report; and
5. Approved the proposed amendment to Conditional Use Permit PLN2009-00217 as shown in PLN2010-00193 Exhibit "A", based on the findings and subject to the conditions contained in PLN2010-00193 Exhibit "B".
6. Directed staff to prepare and the City Clerk publish a summary of the ordinance.

Ayes: Mayor Wasserman,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: Vice Mayor Wieckowski
Abstain: None

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

Valeria Barbero expressed concern related to insufficient noticing regarding the location and plans for the proposed Skate Park.

5. SCHEDULED ITEMS – None.

5.1 Mayor Wasserman opened consideration of a Second Public Hearing (Published Notice, Hearing Continued from June 1, 2010) and Adoption of Fiscal Year 2010/11 Operating Budget and Appropriations Limit, and Revising the Integrated Waste Management Fund Balance and Reserve Policies

Mayor Wasserman continued the public hearing. There were no speakers. Mayor Wasserman closed the public hearing. Councilmembers provided comment.

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council:

1. Held a public hearing on the operating budget and appropriations limit for FY 2010/11.
2. Adopted Resolution No. 2010-38 approving the City of Fremont Operating Budget for FY 2010/11.
3. Adopted Resolution No. 2010-39 creating an appropriations limit of \$491,511,372 for FY 2010/11.
4. Adopted Resolution No. 2010-40 revising the Integrated Waste Management Fund Balance and Reserve Policies and creating an Integrated Waste Management Vehicle Replacement Reserve.

Ayes: Mayor Wasserman,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: Vice Mayor Wieckowski
Abstain: None

5.2 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider a Planning Commission Recommendation to Consider a City-Initiated Zoning Text Amendment to Amend the Fremont Municipal code Title VIII, Chapter 2, Article 21 Sign Regulations Related to Freeway-Oriented Signage in the Industrial Redevelopment

Area. A Mitigated Negative Declaration has been Prepared and Circulated for this Project in Accordance with the Requirements of the California Environmental Quality Act (CEQA)

Senior Planner Barbara Meerjans provided an overview of the proposed amendment to the Sign Regulations. Staff responded to questions from Councilmembers. Mayor Wasserman opened the public hearing. There were no speakers. Mayor Wasserman closed the public hearing.

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council:

1. Held public hearing.
2. Adopted Negative Declaration and found this action reflects the independent judgment of the City of Fremont.
3. Found the Zoning Text Amendment is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Fundamental Goals and Local Economy Chapter as enumerated within the staff report.
4. Found the public necessity, convenience and general welfare required the adoption of this Zoning Text Amendment because the proposed amendment is in conformance with current court decisions and explicitly states the intent of the current ordinance.
5. Approved the findings provided in Exhibit "B" based upon the testimony and information provided to City Council.
6. Waived full reading and introduced an ordinance to adopt the Zoning Text Amendment, as set forth herein based upon findings in Exhibit "B".
7. Directed the City Clerk to publish the ordinance once in the Tri-City Voice, a newspaper of general circulation, printed and published in Alameda County and circulated in the City of Fremont, within fifteen (15) days after its adoption.

Ayes: Mayor Wasserman,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: Vice Mayor Wieckowski
Abstain: None

6. REPORT FROM CITY ATTORNEY

- 6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.**

7. OTHER BUSINESS

- 7.1 Mayor Wasserman opened consideration to Appropriate Economic Development Administration (EDA) Grant Funds of \$333,000 to the NUMMI Site Reuse and Revitalization Project, City Project No. 8735(PWC), and Appropriate the City's 20 Percent Match of \$83,250 to 501PWC8735 from 501 Capital Improvement Unallocated Fund Balance**

Assistant City Manager Melissa Stevenson Dile provided an overview of the four main study components that the EDA grant will be used to support. Staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Appropriated the Economic Development Administration (EDA) grant funds in the amount of \$333,000 to 199PWC8735, NUMMI Site Reuse and Revitalization project.
2. Appropriated the City's 20 percent match of \$83,250 to 501PWC8735 from 501 Capital Improvement unallocated fund balance to the NUMMI Site Reuse and Revitalization project.

Ayes: Mayor Wasserman,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: Vice Mayor Wieckowski
Abstain: None

7.2 Mayor Wasserman opened consideration of Review and Discussion of Potential Actions for Inclusion in the City's Climate Action Plan

This item was continued to the June 15, 2010 meeting.

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events – None.

9. ADJOURNMENT: There being no further business, Mayor Wasserman adjourned the meeting at 7:30 p.m.

Attest:

Approved:

Dawn G. Abrahamson, City Clerk

BOB WASSERMAN, Mayor